

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2005 MAR 18 P 12:59

U.S. DISTRICT COURT  
DISTRICT OF MASS.

BROOKSTONE COMPANY, INC.,

Plaintiff,

v.

SHARPER IMAGE CORPORATION,

Defendant.

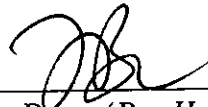
Case No. 04-10907-NMG

**STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL  
OF CLAIMS WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, Plaintiff Brookstone Company, Inc. ("Brookstone") and Defendant Sharper Image Corporation ("Sharper Image"), pursuant to Fed. R. Civ. P. 41(a)(1)(ii), subject to the approval of this Court, that all claims and counterclaims in Civil Action No. 04-10907-NMG be and hereby are dismissed with prejudice, with each party bearing its own costs and attorney fees. Sharper Image expressly reserves the right to assert any and all defenses, and counterclaims in any future action(s) between it and Brookstone in relation to any product other than the accused Grill Fork that is the subject of this action.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: March 17, 2005

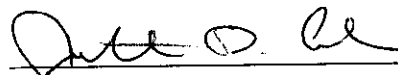
  
\_\_\_\_\_  
Alan L. Barry (*Pro Hac Vice*)  
Amy G. O'Toole (*Pro Hac Vice*)  
Noelle J. Quinn (*Pro Hac Vice*)  
Bell, Boyd & Lloyd LLC  
70 West Madison, Suite 3300  
Chicago, Illinois 60610  
(312) 372-1121

Timothy C. Blank (BBO No. 548670)  
Matthew A. Porter (BBO No. 630625)  
Dechert LLP  
200 Clarendon Street, 27<sup>th</sup> Floor  
Boston, Massachusetts 02116  
(617) 728-7154

e. robert (bob) wallach (SBN 29078)  
Lawyer-Counsel  
Law Offices of e. robert (bob) wallach, P.C.  
P.O. Box 2670  
San Francisco, CA 94111  
(415) 989-6445

*Attorneys for Plaintiff Sharper Image  
Corporation*

DATED: March 17, 2005

  
\_\_\_\_\_  
George G. Matava  
Brian A. Carpenter  
Greenberg Traurig, LLP  
1200 17<sup>th</sup> Street, Suite 2400  
Denver, CO 80202  
(303) 572-6573

Jonathan D. Cohen (BBO No. 600081)  
John F. Farraher, Jr. (BBO No. 568194)  
Greenberg Traurig, LLP  
One International Place, 20<sup>th</sup> Floor  
Boston, MA 02110  
(617) 310-6000

*Attorneys for Defendant Brookstone  
Company, Inc.*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Nathaniel M. Gorton  
United States District Judge